

## HAWAII REVISED STATUTES

### PART XXVIII. INFANTS AND TODDLERS

**[§321-351] Definitions.** As used in this part, unless the context requires otherwise:

"Biological risk" means prenatal, perinatal, neonatal, or early developmental events suggestive of biological insults to the developing central nervous system which increase the probability of delayed development.

"Case management" means an ongoing service of shared responsibility between families and professionals that identifies needs and assists in obtaining coordinated, appropriate services and resources.

"Delayed development" means a significant delay in one or more of the following areas of development: cognition, speech, language, physical, motor, vision, hearing, psychosocial, or self-help skills.

"Department" means the department of health.

"Director" means the director of health.

"Early intervention services" means services which:

- (1) Are provided under public supervision;
- (2) Are provided at no cost, except where federal or state law provides for a system of payments by families, including a sliding fee schedule;
- (3) Are designed to meet the developmental needs of infants and toddlers with special needs, which include but are not limited to physical development, cognitive development, and self-help skills;
- (4) Are provided by qualified professional and paraprofessional personnel;
- (5) Are provided in conformity with an individualized family support plan; and
- (6) Include but are not limited to: family support, counseling, and home visits; special instruction; speech

pathology and audiology; occupational therapy; physical therapy; psychological services; case management services; medical services only for diagnostic or evaluation purposes; early identification, screening, and assessment services; and health services necessary to enable the infant or toddler to benefit from the other early intervention services.

"Environmental risk" means physical, social, or economic factors which may limit development. Environmental risk includes, but is not limited to the following conditions:

- (1) Birthweight between 1,500 and 2,500 grams, in combination with any other environmental risk factor;
- (2) Parental age less than sixteen;
- (3) Parental age between sixteen and eighteen and less than a high school education in combination with any other environmental risk factor;
- (4) Any existing physical, developmental, emotional, or psychiatric disability in a primary caregiver;
- (5) Presence of physical, developmental, emotional, or psychiatric disability in a sibling or any other family member in the home in combination with any other environmental risk factor;
- (6) Abuse of any legal or illegal substance by a primary caregiver;
- (7) Child abuse and neglect of target child or siblings;
- (8) Economically disadvantaged family in combination with any other environmental risk factor;
- (9) Single parent in combination with any other environmental risk factor; and
- (10) Incarceration of a primary caregiver in combination with any other environmental risk factor.

"Individual family support plan" means a dynamic, voluntary plan of action and support developed by families and

professionals that emanates from the families' expressions of needs and goals.

"Infants and toddlers with special needs" means infants and toddlers from birth to the age of three with delayed development, biological risk, or environmental risk. [L 1989, c 107, pt of §2]

**§321-352 Early intervention services for infants and toddlers with special needs.** The department may develop a statewide, coordinated, multidisciplinary program which contains a continuum of services to meet the needs of infants and toddlers with special needs. The department shall be the lead agency for the coordination of federal and state funding for those programs. Pursuant to chapter 103F, the department may purchase services appropriate to carry out activities under this part. [L 1989, c 107, pt of §2; am L 1991, c 335, §7; am L 1997, c 190, §6]

**§321-353 Hawaii early intervention coordinating council; establishment.** (a) There is established within the department for administrative purposes the Hawaii early intervention coordinating council. Members shall be appointed for three-year terms by the governor without the necessity of the advice and consent of the senate. The membership of the council shall consist of fifteen members selected from the following:

- (1) At least three parents of infants, toddlers, or children under the age of seven with special needs;
- (2) At least three public or private providers of early intervention services;
- (3) At least one representative from the legislature;
- (4) At least one person involved in personnel preparation;
- (5) At least one member representing the department of education;
- (6) At least one member representing the department of human services;
- (7) At least one member representing the office of the governor; and

(8) Other members representing private or public agencies involved in or interested in the payment for or provision of services to infants and toddlers with special needs and their families.

Any vacancy on the council shall be filled in the same manner in which the original position was filled.

(b) The council shall elect its officers, and eight members shall constitute a quorum. Members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(c) The council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and be open and accessible to the general public.

(d) The council shall perform the following functions:

(1) Advise and assist the director in the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

(2) Advise and assist the department in the preparation of applications and amendments thereto; and

(3) Prepare and submit an annual report to the governor on the status of early intervention programs for infants and toddlers with special needs and their families within the State. [L 1989, c 107, pt of §2; am L 1996, c 298, §3]

**[§321-354] Rules.** The director, in consultation with the council, private agencies, users of services under this part, and other interested parties, may adopt rules pursuant to chapter 91 to carry out the purposes of this part. [L 1989, c 107, pt of §2]

**[§321-355] Early intervention special fund.** (a) There is established in the state treasury a special fund to be known as the early intervention special fund to be administered by the department in accordance with this section.

(b) The fund shall consist of grants and income earned by the special fund. Notwithstanding section 29-24, all program income consisting of federal reimbursement funds received by the State for early intervention funded by legislative appropriations under this part shall be deposited into the special fund; provided that no state appropriations shall be deposited into the special fund. [L 1997, c 378, pt of §2; ree L 1998, c 43, pt of §1(1)]

**[\$321-356] Early intervention trust fund.** (a) There is established in the state treasury a trust fund to be known as the early intervention trust fund to be administered by the department in accordance with this section.

(b) The trust fund shall consist of government grants and private contributions including but not limited to gifts or donations from corporations or other businesses, foundations, individuals, and other interested parties, and income earned by the trust fund. Notwithstanding section 29-24, all program income consisting of federal reimbursement funds received by the State for early intervention funded by private donations and contributions under this part shall be deposited into the trust fund. [L 1997, c 378, pt of §2; am L 1998, c 43, pt of §1(1)]

**[\$321-357] Early intervention funds; purpose and use.** (a) The purpose of the early intervention special fund and early intervention trust fund is to expand and enhance early intervention services for infants and toddlers with special needs by providing a cooperative funding mechanism between the public and private sectors to work together to make and secure appropriations and donations to the funds.

(b) The department may procure services under chapters 103D and 103F in accordance with criteria and procedures established by rules adopted pursuant to chapter 91, for community-based, family-centered, early intervention services including but not limited to:

(1) Programs to provide early intervention services for infants and toddlers with developmental delays or at biological or environmental risk;

(2) Family support programs to strengthen families to reduce the risk of child abuse and neglect;

(3) Training and education for professionals, paraprofessionals, and families; and

(4) Research, evaluation, and data management related to early intervention services.

(c) Services to be procured under this section shall be in accordance with chapters 103D and 103F and take the following forms:

(1) Purchase of service contracts to private nonprofit organizations, public agencies, or qualified individuals to provide community-based, family-centered, early intervention services; or

(2) Direct payments for services, educational materials, training, quality assurance, equipment, data collection, and program evaluation.

(d) The Hawaii early intervention coordinating council shall make recommendations to the department for the expenditure of moneys from the funds. [L 1997, c 378, pt of §2; am L 1998, c 43, pt of §1(1)]